IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIRST DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 13203 of 2005

Between:

Islamic Social Service Society, rep.by its Secretary, Mohammed Azharuddin, having its office at 22-7-499, Purani Haveli, Hyderabad.

..... PETITIONER

AND

The Municipal Corporation of Hyderabad, rep.by its Commissioner, having its office at M.C.H. Complex, Tank Bund, Hyderabad.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue any appropriate writ, order or direction, preferably a writ in the nature or mandamus declaring the action of the respondent in acquiring or dispossessing or demolishing the property by the Municipal corporation of Hyderabad from acquiring the property or demolishing the compound wall without giving notice or following due process of law as illegal, unjust, void and contrary to law and direct the respondents not to demolish or dispossess or acquire the property bearing Municipal No.No.6-3-888 & 889, situated at Somajiguda, Hyderabad, of the petitioner without following the due process of law and pass such other order or orders.

Counsel for the Petitioner: MR.ADNAN MAHMOOD

Counsel for the Respondent: SMT.G.JYOTHI KIRAN, Standing Counsel for Municipal Corporation of Hyderabad.

This Court at the admission stage made the following:

THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

WRIT PETITION No.13203 of 2005

O R D E R:

It is represented by both the learned counsel that the issue involved in the writ petition is squarely covered by a decision of a Division Bench of this Court in *P. LAKSHMANA RAO VS. EXECUTIVE OFFICER,* whereby the Division Bench while considering an identical question issued certain guidelines.

The writ petition is accordingly disposed of, at the admission stage, directing the respondents not to demolish the structures-in-question without following the guidelines issued by the Division Bench in the decision *supra*. No costs.

(ELIPE DHARMA RAO, J)

Date:21-06-2005

Note:

Issue CC in one week.

B/o

ghn

To

1 The Commissioner, Municipal Corporation of Hyderabad, having its office at M.C.H. Complex, Tank Bund, Hyderabad.

2 Two CD copies.